

REMARKS

The Final Office Action mailed December 16, 2004 and the Advisory Action mailed April 21, 2005 have been received and carefully noted. The "Request for Continued Examination" (RCE) filed concurrently herewith, the amendments herein and the following remarks are submitted as a full and complete response thereto.

A "Petition for Extension of Time" for extending the due date for filing the response by three months and a credit card payment form to cover the fee payment (\$1,020.00) are filed with this Preliminary Amendment. The credit card payment form additionally covers the fee payment (\$790.00) for the RCE. Authorization is granted to charge counsel's **Deposit Account No. 01-2300**, referencing **Attorney Docket No. 101201-00009**, for any additional fees necessary for entry of this Preliminary Amendment and the RCE.

Claim 15 has been amended and claim 13 has been canceled. Applicant submits that the amendments made herein are fully supported in the Specification and the drawings, as originally filed, and therefore no new matter has been introduced. Accordingly, claims 11-12 and 15-17 are pending in the present application and are respectfully submitted for reconsideration.

Claims 11-13 and 15-17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the Akihiro et al. reference (JP 09-284200). Independent claim 15 has been amended to include the content of dependent claim 13, and accordingly claim 13 has been canceled. Dependent claims 11-12 and 16 depend from claim 15. The rejections are respectfully traversed and reconsideration is requested.

Independent claim 15, as amended, recites a wireless base station that transmits a control signal to a non-specific mobile station by forming an omnidirectional antenna pattern and

transmits a control signal to a specific mobile station by forming an array antenna pattern, the wireless base station comprising a judging unit operable to, when the control signal is to be transmitted to the specific mobile station, judge if at least one of the following is satisfied: (a) a difference between received reference signals in an immediately preceding reception from a mobile station is equal to or larger than a threshold value, and (b) a time lapse between the immediately preceding reception and the transmission of the control signal exceeds a predetermined length; and a controlling unit operable to, when the judging unit judges in the affirmative, stop the wireless base station from forming the array antenna pattern and force the wireless base station to transmit the control signal by forming an omnidirectional antenna pattern and, in a case where a reception field strength of the mobile station is high, controls the wireless base station so that a transmission power is lowered temporarily. Independent claim 17 recites a controlling method of the same.

It is respectfully submitted that the Akihiro et al. reference does not disclose or suggest the apparatus and method claimed in the present invention. Specifically, while the Akihiro et al. reference discloses, in part, a beam allocation processing section for performing either omnidirectional or narrow beam allocation processing depending on whether third party information, such as passing speed, traffic volume and demand quality level, exceed a predetermined threshold (paras. [20]-[25] and [66]-[69]), the cited reference nowhere appears to disclose a controlling unit operable to, when the judging unit judges in the affirmative, stop the wireless base station from forming the array antenna pattern and force the wireless base station to transmit the control signal by forming an omnidirectional antenna pattern and, in a case where a reception field strength of the mobile station is high, control the wireless base station so that a

transmission power is lowered temporarily, as claimed in the present invention. Accordingly, the Akihiro et al. reference fails to disclose or suggest the apparatus or method, as claimed.

Based upon the forgoing, Applicants respectfully submit that each and every element recited within independent claims 15 and 17 is neither disclosed nor suggested by the Akihiro et al. reference, and therefore the claims are patentable and in condition for allowance.

Reconsideration is requested.

It is further submitted that dependent claims 11-12 and 16 are also patentable and in condition for allowance due to their dependency upon independent claim 15, since the dependent claims differ in scope from the parent claim. Dependent claims 11-12 and 16 depend from independent claim 15, and thus are further limited to additional features of the invention.


Therefore, it is respectfully submitted that the dependent claims are patentable over the Akihito et al. reference for at least the reasons set forth above with respect to independent claim 15.

Reconsideration is requested.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicant's undersigned counsel at the telephone number, indicated below, to arrange for an interview to expedite the disposition of this application.

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Respectfully submitted,


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